

# ASCENSION

## REVISED EDITION OF THE LAWS, 2017

### CONSTITUTIONAL & ADMINISTRATIVE LAW

#### **ST HELENA LAW (APPLICATION TO ASCENSION) ORDINANCE, 1988<sup>1</sup>**

*Ordinance A4 of 1987  
In force 1 January 1988*

*Amended by Ordinance A2 of 2017 (in force 1 April 2017)*

*Subsidiary legislation:*

**ST HELENA LAW (EMPLOYMENT RIGHTS ORDINANCE)  
(DISAPPLICATION) ORDER, 2017** *Page 3*  
*Legal Notice A1 of 2017 (in force 1 April 2017)*

**ST HELENA LAW (LAW REVISION (MISCELLANEOUS  
AMENDMENTS) ORDINANCE, 2017) APPLICATION ORDER, 2017** *Page 3*  
*Legal Notice A4 of 2017 (in force 18 December 2017)*

**ST HELENA LAW (POLICE AND CRIMINAL EVIDENCE  
ORDINANCE) (MODIFICATION) ORDER, 2021** *Page 4*  
*Legal Notice A12 of 2021 (in force 23 December 2021)*

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#### **ST HELENA LAW (APPLICATION TO ASCENSION) ORDINANCE, 1988<sup>2</sup>**

AN ORDINANCE to provide for the application of the law of St Helena to Ascension.

#### **Short title**

**1.** This Ordinance may be cited as the St Helena Law (Application to Ascension) Ordinance, 1988.

#### **Meaning of ‘Law of St Helena’**

**1A.** For purposes of this Ordinance, “the Law of St Helena” includes—

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 23 December 2021.

<sup>2</sup> This Ordinance applies certain St Helena laws to Ascension, including English laws applied to St Helena by the English Law (Application) Ordinance, 2005 (SH) (see the text on this website.) For other English laws applied to Ascension of their own force or by Order in Council, see the List of UK Laws Applied to St Helena, Ascension and Tristan da Cunha, also on this website. For guidance on the application of English Laws to St Helena and Ascension, see the court judgments Annexed to the General Introduction to this website.

- (a) any Ordinance of St Helena and subsidiary legislation issued under it; and
- (b) any English law which applies to St Helena by virtue of the English Law (Application) Ordinance, 2005.

### **Application of St Helena Law**

2. (1) Subject to the following provisions, so much of the Law of St Helena as is in force on 1 April 2017 shall be in force in Ascension.

(2) The said law of St Helena applies to Ascension only in so far as it is applicable and suitable to local circumstances, and subject to such modifications, adaptations, qualifications and exemptions as local circumstances render necessary.

### **Exclusion of St Helena law in certain circumstances**

3. The Law of St Helena applies to Ascension only insofar as it is not inconsistent with—

- (a) any enactment of the Parliament of the United Kingdom which extends to Ascension otherwise than by virtue of this Ordinance;
- (b) any Order of Her Majesty in Council which extends to Ascension otherwise than by virtue of this Ordinance; or
- (c) any provision made by or under any law enacted by a legislature for Ascension.

### **Supplementary provisions concerning St Helena law**

4. (1) Subject to subsection (2), if in any Ordinance of St Helena which has been applied to Ascension a reference occurs to the Governor in Council, such reference is, in its application to Ascension, to be construed as a reference to the Governor.

(2) If an Ordinance of St Helena confers a power to make subsidiary legislation on the Governor in Council, subsidiary legislation so made shall apply to Ascension (insofar as it is appropriate to local circumstances and not inconsistent with any local enactment, and subject to any modifications local circumstances render necessary), whether made before or after the date of the application of the Ordinance to Ascension.

### **Governor may make Orders**

5. The Governor, after consultation with the Island Council of Ascension, may, by Order published in the *Gazette*—

- (a) declare that any Law of St Helena referred to in section 2 is not suitable to local circumstances and that such Law is accordingly excepted from application by virtue of section 2(2); or
  - (b) direct that any Law of St Helena referred to in section 2 applies subject to any modifications specified in the Order.
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**ST HELENA LAW (APPLICATION TO ASCENSION) ORDINANCE, 1988**

**ST HELENA LAW (EMPLOYMENT RIGHTS ORDINANCE)(DISAPPLICATION)  
ORDER, 2017  
(Section 5(a))**

**Citation**

1. This Order may be cited as the St Helena Law (Employment Rights Ordinance)(Disapplication) Order, 2017.

**Employment Rights Ordinance, 2010 disappplied**

2. The Employment Rights Ordinance, 2010 (an enactment of St Helena which forms part of the Law of St Helena applied to Ascension) is hereby declared to be unsuitable to local circumstances and is accordingly excepted from the provisions of section 2 of the St Helena Law (Application to Ascension) Ordinance, 1988 by virtue of section 2(2).

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**ST HELENA LAW (APPLICATION) ORDINANCE, 1988**

**ST HELENA LAW (LAW REVISION (MISCELLANEOUS AMENDMENTS)  
ORDINANCE, 2017) APPLICATION ORDER, 2017  
(Section 5(b))**

**Citation**

1. This Order may be cited as the St Helena Law (Law Revision (Miscellaneous Amendments) Ordinance, 2017) Application Order, 2017.

**Law Revision (Miscellaneous Amendments) Ordinance, 2017**

2. The Law Revision (Miscellaneous Amendments) Ordinance, 2017 (an enactment of St Helena) is declared to be in force in Ascension as from the coming into force of this Order, but in its application to Ascension is modified to the extent stated in the Schedule to this Order.<sup>3</sup>

**SCHEDULE  
(Article 2)**

In its application to Ascension, the following items in the Schedule to the Law Revision (Miscellaneous Amendments) Ordinance, 2017 are omitted:

Immigration Ordinance, 2011  
Land Planning and Development Control Ordinance, 2013  
Petroleum Ordinance, Cap.139  
Public Health Ordinance, Cap. 49  
Road Traffic Ordinance, 2016

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<sup>3</sup> In force 18 December 2017

St Helena National Trust Ordinance, 2001  
 Stamp Duties Ordinance, Cap. 152  
 Welfare of Children Ordinance, 2008

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**ST HELENA LAW (APPLICATION TO ASCENSION) ORDINANCE, 1988**

**ST HELENA LAW (POLICE AND CRIMINAL EVIDENCE ORDINANCE)  
 (MODIFICATION) ORDER, 2021**

(Section 5(b))

**Citation**

**1.** This Order may be cited as the St Helena Law (Police and Criminal Evidence Ordinance)(Modification) Order, 2021.

**Modification**

**2.** The Police and Criminal Evidence Ordinance, 2003, an enactment of St Helena applied to Ascension in accordance with the St Helena Law (Application to Ascension) Ordinance, 1988, continues to apply in Ascension and is hereby modified to the extent as set out in the Schedule.

**SCHEDULE**

Section 17	Applies as amended by the Police and Criminal Evidence (Amendment) Ordinance, 2021
Insert section 27A	As introduced by the Police and Criminal Evidence (Amendment) Ordinance, 2021
Section 28	Applies as amended by the Police and Criminal Evidence (Amendment) Ordinance, 2021
Insert sections 28A to 28I	As introduced by the Police and Criminal Evidence (Amendment) Ordinance, 2021
Sections 31 and 37	Applies as amended by the Police and Criminal Evidence (Amendment) Ordinance, 2021

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